

RENZ D. JENNINGS
CHAIRMAN

MARCIA WEEKS
COMMISSIONER

CARL J. KUNASEK
COMMISSIONER



0000157628



JAMES MATTHEWS
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

DATE: September 20, 1996

DOCKET NO: S-3046-I

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Marc E. Stern. The recommendation has been filed in the form of an Order on:

Nutek Information Systems, Inc., Jeffrey A. Shuken, (Cease and Desist)
AKS DAKS Communications, Inc., SMR Advisory
Group L.C. and Albert Koenigsberg

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 5:00 p.m. on or before:

September 30, 1996

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

October 8, 1996 and October 9, 1996

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.


James Matthews
EXECUTIVE SECRETARY

JM
Enc.
cc: ALL PARTIES

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 RENZ D. JENNINGS

CHAIRMAN

3 MARCIA WEEKS

COMMISSIONER

4 CARL J. KUNASEK

COMMISSIONER

5 IN THE MATTER OF THE OFFERING OF)
6 SECURITIES BY:)

DOCKET NO. S-3046-I

7 NUTEK INFORMATION SYSTEMS, INC.)

JEFFREY A. SHUKEN)

8 6390 Greenwich Drive, Suite 110)

San Diego, California 92122)

DECISION NO. _____

9 AKS DAKS COMMUNICATIONS, INC.)

10 SMR ADVISORY GROUP, L.C.)

ALBERT KOENIGSBERG)

11 3081 N. University Drive, Suite 315)

Sunrise, Florida 33351)

ORDER

12 _____
13 Open Meeting

October 9, 1996

14 Phoenix Arizona

15 **BY THE COMMISSION:**

16 **FINDINGS OF FACT**

17 1. On August 22, 1996, the Arizona Corporation Commission ("Commission") issued
18 Decision No. 59808 ("Decision") in the above-captioned matter.

19 2. On August 30, 1996, pursuant to R14-3-112, Nutek Information Systems, Inc. ("Nutek"),
20 Mr. Jeffery A. Shuken, AKS DAKS Communications, Inc. ("ADC"), SMR Advisory Group, L.C.
21 ("SMR") and Mr. Albert Koenigsberg filed with the Commission an Application for Rehearing and
22 Review ("Application") of the Decision on the grounds that the Decision is not justified by the evidence
23 and is contrary to law.

24 3. On September 10, 1996, the Commission's Securities Division ("Division") filed its
25 response and requested that Nutek's, Mr. Shuken's, ADC's, SMR's and Mr. Koenigsberg's Application
26 be denied on the basis the Decision is based on the evidence and is not contrary to law.

27 4. The Division's response is well made and should be adopted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to Article XV of the Arizona Constitution, A.R.S. § 44-1801 et seq. and A.A.C. R14-3-112.
2. Nutek, Mr. Shuken, ADC, SMR and Mr. Koenigsberg have not demonstrated adequate grounds to justify further review of the Decision pursuant to A.A.C. R14-3-112.
3. The Application should be denied.

ORDER

IT IS THEREFORE ORDERED that the Application for Rehearing and Review of Nutek Information Systems, Inc., Mr. Jeffery A. Shuken, AKS DAKS Communications, Inc., SMR Advisory Group, L.C. and Mr. Albert Koenigsberg is hereby denied.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 1996.

JAMES MATTHEWS
EXECUTIVE SECRETARY

DISSENT
MES:kjh

1 SERVICE LIST FOR: NUTЕК INFORMATION SYSTEMS, INC., JEFFREY A. SHUKEN,
2 AKS DAKS COMMUNICATIONS, INC., SMR ADVISORY GROUP,
L.C. and ALBERT KOENIGSBERG

3 DOCKET NO.: S-3046-I

4 Paul J. Roshka, Jr.
5 ROSHKA, HEYMAN & DEWULF
Two Arizona Center, Suite 1000
6 400 North 5th Street
Phoenix, Arizona 85004

7 J.B. Grossman
8 Law Practice of J.B. Grossman, P.A.
2300 East Las Olas Boulevard, 4th Floor
9 Ft. Lauderdale, Florida 33301
Attorney for AKS DAKS Communications, Inc.
10 SMR Advisory Group, L.C.
Albert Koenigsberg

11 Stuart M. Manroel
12 MANROEL, GELLER & ASSOCIATES
Jostens Building
13 9920 Pacific Heights Boulevard, #250
San Diego, California 92121
14 Attorney for Nutek Information Systems, Inc.
Jeffrey A. Shuken

15 W. Mark Sendrow
16 Assistant Attorney General
ARIZONA ATTORNEY GENERAL'S OFFICE
17 1275 West Washington
Phoenix, Arizona 85007

18 Dee Riddell Harris, Director
19 Securities Division
ARIZONA CORPORATION COMMISSION
20 1200 West Washington Street
Phoenix, Arizona 85007